

## **Remarks**

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (Baker, Sunny; Baker, Kim; The Complete Idiot's Guide to Project Management, Alpha Books, 2000).

### **The Examiner Fails To Establish A *Prima Facie* Case Of Obviousness For Claim 1**

#### **A. The References Fail To Teach All The Limitations Of Claim 1**

Baker fails to teach, disclose, or suggest receiving at least one best practice idea from one or more best practice requesters. "A 'best practice' in accordance with the present invention is the most effective way to execute a specific business process, task or objective." (US 2003/0004766 A1, [0025]). Baker discusses how to select a project. (Baker, pp. 55-60). The "projects" of Baker, e.g., "Fix last year's interface boards," "Open Cucamonga sales office," (Baker, p. 57), are not "best practices."

To the extent the remaining limitations of claim 1 recite the phrase "best practice," Baker fails to teach, disclose, or suggest these limitations as the "projects" of Baker are not "best practices."

Baker fails to teach, disclose, or suggest wherein the at least one executive sponsor possesses the executive authority to exercise organizational resources necessary to develop and implement the best practice idea. Baker merely states that the "Review and Approval Team . . . is the group . . . who must approve and agree on project definitions, budgets, plans, and changes," (Baker, p. 50), and that the group "will likely include functional managers and executives from your own organization who must approve aspects of the project," *Id.* Baker is silent as to whether any member of its "Review and Approval Team" possesses the executive authority to exercise organizational resources necessary to develop and

implement the best practice idea. Moreover, authority to approve does not necessarily imply authority to exercise organizational resources necessary to develop and implement.

Baker fails to teach, disclose, or suggest deploying the best practice idea within at least one organizational function. The Examiner argues that “[a]ssembling an implementation team and identifying a functional organization the project is going to affect implies that the project plan will be deployed to that functional unit.” (Office Action, May 23, 2006, p.4). The Examiner then goes on to discuss the advantages of deploying a project plan to an organization function. *Id.* As explained above, a “project” or “project plan,” however, is not a “best practice idea.”

**B. The Examiner Fails To Provide The Necessary Motivation To Combine**

The Examiner asserts that “[i]t would have been obvious . . . to ‘deploy the best practice idea within at least one organizational function’ in combination with the teachings of Baker et al. in order to improve the performance and efficiency of the organization, which is a goal of Baker et al.” (Office Action, May 23, 2006, p. 4). The Examiner impermissibly relies on the Applicants’ disclosure to find the motivation to combine: The Examiner combines a claimed limitation with Baker. *See* MPEP § 2142 (“The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.”)

**Claims 2-17 Are Patentable**

Claims 2-17 depend from claim 1. For at least the reasons claim 1 is patentable, claims 2-17 are patentable.

**The Examiner Fails To Establish A *Prima Facie* Case Of Obviousness For Claim 18**

The Examiner asserts that claim 18 recites “‘best practices processes’ which is the same as ‘best practices ideas’ and limitations already addressed by the rejection of claims

1-17; therefore the same rejections apply to these claims.” (Office Action, May 23, 2006, p. 9). While Applicants’ Attorney does not necessarily agree with the Examiner’s assertion, for the purposes of this reply, claim 18 is patentable at least for the reasons claim 1 is patentable.

### **Claims 19-20 Are Patentable**

Claims 19-20 depend from claim 18. For at least the reasons claim 18 is patentable, claims 19-20 are patentable.

### **Conclusion**

Applicants’ Attorney submits that the claims are in a condition for allowance. Applicants’ Attorney respectfully requests a notice to that effect. Applicants’ Attorney also invites a telephone conference if the Examiner believes that it will advance the prosecution of this application.

Please charge any fees or credit any overpayments as a result of the filing of this paper to Ford Global Technologies LLC Deposit Account No. 06-1510.

Respectfully submitted,

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